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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/370,696 08/09/99 LIGHTBODY

S 6270/26

000757 WM02/0613
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

EXAMINER

EDWARDS JR, T

ART UNIT

PAPER NUMBER

2635

DATE MAILED:

06/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See Attachment

Office Action Summary

Application No.

09/370,696

Applicant(s)

LIGHTBODY ET AL.

Examiner

Timothy Edwards

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6 and 7.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: page 11 of the specification makes references to U.S. patent application without the serial number and the filing date. Applicant should also give the status of this application (i.e. pending, abandon or patent number).

Appropriate correction is required.

Information Disclosure Statement

The information disclosure statement filed 10/25/99 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. Items A1-A60 of PTO 1449 have been placed in the application file, but the information referred to therein have not been considered.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1-3,8 are rejected under 35 U.S.C. 102(e) as being anticipated by
Cunningham et al [US 6,124,806].

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Considering claims 1-3,8 Cunningham discloses the limitations of these claims in col 7, lines 39-61 and col 12, line 65 to col 13, line 1.

Claims 1 and 8 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention. Alpha Stars 'National Wireless Communications for Remote Metering' ABB Information System (submitted IDS) discloses a I/O module connected to a utility meter having an interface link and the I/O device is physically separate from the utility meter, and has a microprocessor.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham.

Considering claims 4 and 5, a revenue meter time-stamping an input to the I/O device and a seal operative to prevent removal of the revenue meter and indicate tampering with the revenue meter is not specifically recited by Cunningham. However in col 8, lines 22-59 Cunningham addresses the use of tampering resistance components to

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secure the interface unit. Even though, Cunningham does not specifically recite time-stamping an input to the I/O device. The method of time stamping is well known in the art. One of ordinary skill in the art would find this feature highly desirable in the Cunningham system because Cunningham addresses receiving utility usage data from a utility meter. Time-stamping (i.e. time-of-use metering) is known to be used to assist in billing electricity usage because the utility company charges different rates at different hours of the day. With regards to detection of tampering Cunningham addresses a method of tamper prevention with the use of tamper resistance screws. There are many known methods of tamper prevention. Therefore, it would have been obvious to one of ordinary skill in the art to use any equivalent method of tamper prevention.

Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cunningham and further in view of Siemens QUAD4 Plus and MAXsys Meters and IEDS (submitted IDS).

Considering claims 6 and 7, Siemens teaches the public use and sale of a utility meter having, a display; terminals disposed on a bottom side of the revenue meter for coupling the revenue meter with the first electric circuit; a meter cover operative to enclose the revenue meter and the display; a terminal cover for covering the terminals and a first seal connected with the meter cover and operative to prevent removal of the meter. Siemens also, teaches the public use and sale of a utility meter operative to fit within a switchboard enclosure; terminals disposed on the chassis for engaging matching

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terminals within the enclosure; a display; a meter cover operative to enclose the revenue meter and the display within the switchboard enclosure; and a seal connected with the meter cover and operative to prevent removal of the meter cover. With respect to a draw-out chassis applicant admits this type enclosure is well known in the art. Also, methods of tampering are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use methods and devices well known in the art and are publicly available.

1. Any inquiry concerning this communication should be directed to Examiner Timothy Edwards at telephone number (703) 305-4896. The examiner can normally be reached on Tuesday-Friday, 8:30 a.m.-4:00 p.m. The examiner can not be reached on Mondays.

If attempt to reach the examinee by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703) 305-4704.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700, Mon-Fri., 8:30 a.m.-5:00 p.m.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or fax to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).


Timothy Edwards
June 8, 2001